IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 1241 of 2007()

ST.70/2006 of J.M.F.C.-II,THODUPUZHA
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PETITIONER/ACCUSED IN S.T. NO. 70/06 :

M.K.VENUGOPAL, OFFICE OF THE ASSISTANT PROJECT OFFICER
R.A.I.C., RANNI, PATHANAMTHITTA

BY ADV. SRI.P.R.AJITHKUMAR
SRI.K.MANOJ CHANDRAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

2. THE SUB INSPECTOR OF POLICE

3. CONFLUX BANKERS, THODUPUZHA,
REPRESENTED BY ITS MANAGER & POWER OF ATTORNEY HOLDER,
V.D. SEBASTIAN

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-02-2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 1241 of 2007

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Dated, this the 23rd day of February 2007

ORDER

Petitioner who is the accused in S.T. 70/06 on the file of the J.F.C.M.-II Thodupuzha for an offence punishable under Sec. 138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. The said case after trial stood posted for judgment on 14-2-2007. Due to severe backache the petitioner claims to have expressed his inability to appear before court on that day and also on the date to which the case was adjourned. The learned Magistrate thereupon cancelled his bail and issued non-bailable warrants of arrest.

3. Eventhough anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction, having regard to the facts and circumstances of the case, including the medical certificate produced by the petitioner, I do not think that the petitioner was fleeing from justice. Accordingly, the petitioner is directed to be released on bail on his

executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M -II, Thodupuzha and subject to such conditions as the Magistrate may impose.

This application is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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